

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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SUZANNE CARLSON,

Appellant,

v.

CIVIL ACTION NO. 05-10227-WGY

UNITED STATES OF AMERICA

Appellee.

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**APPELLANT, SUZANNE CARLSON'S MOTION TO PROCEED ON APPEAL  
IN FORMA PAUPERIS**

NOW COMES the Appellant, Suzanne Carlson and hereby moves this honorable Court to allow her to proceed on appeal in forma pauperis. As reasons in support of her motion, the Appellant states the following:

1. That because of the Appellant's poverty, she cannot prepay the docket fees of her appeal or post a bond for them.
2. The Appellant's total monthly income is approximately \$2,500.00. (Please see the Appellant's Affidavit in Support of her Motion to Proceed on Appeal In Forma Pauperis, filed herewith.)
3. The Appellant's total monthly expenses are approximately \$4,457.00. (Please see the Appellant's Affidavit in Support of her Motion to Proceed on Appeal In Forma Pauperis, filed herewith.)
4. It is the best belief of the Appellant that she is entitled to redress from the decision entered by this Court on October 6, 2005.
5. The Appellant has filed an affidavit in support of this motion.

WHEREFORE, the Appellant, Suzanne Carlson prays that this honorable grant:

- a. Her motion to proceed on Appeal In Forma Pauperis; and,
- b. Any and all other relief the Court deems necessary and/or appropriate.

Suzanne Carlson,  
By her attorney,

/s/ Timothy J. Burke  
Timothy J. Burke  
BBO# 543837  
400 Washington Street  
Braintree, MA 02184  
(781) 380-0770

Dated: March 7, 2006

**CERTIFICATION OF LOCAL RULE 7.1**

It is hereby certified that counsel for the Appellee, Rachel I. Wollitzer was contacted by this office on March 7, 2006 wherein she indicated that the Appellee did not consent to the filing of this motion, however, is unable to make a determination at this time as to whether an opposition to this motion will be filed.

/s/ Timothy J. Burke  
Timothy J. Burke

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the Appellant's Motion to Proceed on Appeal in Forma Pauperis and supporting Affidavit of Suzanne Carlson was served upon the following attorneys of record via first class mail, postage prepaid on March 7, 2006.

Barbara Healy Smith  
United States Attorney's Office  
John Joseph Moakley Federal Courthouse  
1 Courthouse Way  
Suite 9200  
Boston, MA 02210  
617-748-3100  
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Rachel Wollitzer  
U.S. Department of Justice  
Appeals Section  
Post Office Box 55  
Ben Franklin Station  
Washington, DC 20001  
202-514-6707  
Fax : 202-514-8456

Settlement Counsel  
Civil Appeals Management Program  
1 Courthouse Way, Suite 3440  
Boston, MA 02210

/s/ Timothy J. Burke  
Timothy J. Burke

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AFFIDAVIT OF SUZANNE CARLSON  
IN SUPPORT OF HER MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS

I, Suzanne Carlson, depose and say that I have personal knowledge of the foregoing statements:

1. That because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them.
2. I believe that I am entitled to redress from the decision entered by this Court on October 6, 2005.
3. My issues on Appeal are whether the Court erred in its determination that the United States did not abuse its discretion.
4. The address of my legal residence is 10 Philips Farm Road, Marshfield, MA 02050. My daytime phone number is (339) 793-1418. I am 40 years of age.
5. I am a single parent. I have one son, Kyle E. Carlson, 18 years old, who is currently living with me, who relies on me for support. Since he is 18, I will no longer be receiving child support for him.
6. I am currently self-employed.
7. The following is an estimate of the average amount of money received from each of the following sources during the past twelve months:

|                              |             |
|------------------------------|-------------|
| a. Employment                | \$ 0.00     |
| b. Self-employment           | \$ 2,500.00 |
| c. Income from Real Property | \$ 0.00     |
| d. Interest and dividends    | \$ 0.00     |

|    |                       |    |        |
|----|-----------------------|----|--------|
| e. | Gifts                 | \$ | 0.00   |
| f. | Alimony               | \$ | 0.00   |
| g. | Child Support         | \$ | 400.00 |
| h. | Retirement            | \$ | 0.00   |
| i. | Disability            | \$ | 0.00   |
|    | I. Social Security    |    | \$0.00 |
|    | II. Insurance         |    | \$0.00 |
| j. | Unemployment Payments | \$ | 0.00   |
| k. | Public-Assistance     | \$ | 0.00   |
| l. | Other                 | \$ | 0.00   |

|                             |                    |
|-----------------------------|--------------------|
| <u>TOTAL MONTHLY INCOME</u> | <u>\$ 2,900.00</u> |
|-----------------------------|--------------------|

8. The following is an estimate of the average amount of money I expect to receive from each of the following sources during the next month: (Same as paragraph number 7, except I am no longer receiving child support for my son who is now 18.)

|                             |                    |
|-----------------------------|--------------------|
| <u>TOTAL MONTHLY INCOME</u> | <u>\$ 2,500.00</u> |
|-----------------------------|--------------------|

9. My employment history is as follows:  
Self-employed.
10. I have approximately \$ 0.00, in cash.
11. I do not have any bank accounts.
12. I do not own any assets.
13. I am not owed any unpaid debts or money.
14. The following is an estimate of average monthly expenses for myself and my son:

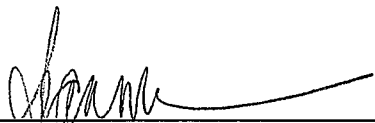
|    |                             |    |          |
|----|-----------------------------|----|----------|
| a. | Rent/mortgage               | \$ | 2,500.00 |
| b. | Utilities                   | \$ | 600.00   |
| c. | Home maintenance/repairs    | \$ | 0.00     |
| d. | Food                        | \$ | 150.00   |
| e. | Clothing                    | \$ | 100.00   |
| f. | Laundry/dry-cleaning        | \$ | 0.00     |
| g. | Medical/dental              | \$ | 260.00   |
| h. | Transportation              | \$ | 450.00   |
| i. | Recreation                  | \$ | 0.00     |
|    | I. Entertainment            | \$ | 0.00     |
|    | II. Newspapers              | \$ | 0.00     |
| j. | Insurance (not incl. wages) | \$ | 0.00     |
|    | I. Homeowner's/Renters      | \$ | 0.00     |
|    | II. Life                    | \$ | 0.00     |

|                        |                               |               |
|------------------------|-------------------------------|---------------|
|                        | III. Health                   | \$397.00      |
|                        | IV. Motor Vehicle             | \$ 0.00       |
|                        | V. Other:                     | \$ 0.00       |
| k.                     | Taxes                         | \$ 0.00       |
| l.                     | Installment Payments          | \$ 0.00       |
|                        | I. Motor Vehicle              | \$ 0.00       |
|                        | II. Credit Card(s):           | \$ 0.00       |
|                        | III. Dept. Store(s):          | \$ 0.00       |
|                        | IV. Other:                    | \$ 0.00       |
| m.                     | Alimony/Maintenance/Support   | \$ 0.00       |
|                        | (Paid to others)              |               |
| n.                     | Regular Expenses for Business |               |
|                        | Operations/Profession/Farm    | \$ 0.00       |
| TOTAL MONTHLY EXPENSES |                               | \$ <u>.00</u> |

15. I do not expect any major changes to the above estimates of monthly income, expenses, assets or liabilities.

16. I have paid \$350.00 towards my Attorney's fees.

6 Signed under the pains and penalties of perjury, this day of March, 2006.

  
\_\_\_\_\_  
Suzanne Carlson